

OFFICIAL COPY

Fresno, California

October 9, 2001

The City Council met in regular session at the hour of 8:32 a.m. in the Council Chambers, City Hall, on the day above written.

Present:	Tom Boyajian	Councilmember
	Brian Calhoun	Councilmember
	Brad Castillo	Councilmember
	Jerry Duncan	Councilmember
	Sal Quintero	Councilmember
	Dan Ronquillo	Acting Council President
	Henry Perea	Council President

Dan Hobbs, City Manager  
Hilda Cantu Montoy, City Attorney  
Rebecca Klisch, City Clerk  
Yolanda Salazar, Assistant City Clerk

Iman Raymundo Nur, Moslem Society of Central California, gave the invocation, and representatives of the Boy Scouts of America led the Pledge of Allegiance to the Flag.

PROCLAMATION OF BOY SCOUTS OF AMERICA DAY - PRESIDENT PEREA

PROCLAMATION OF NON-PROFIT BOARD DIVERSITY DAY

PROCLAMATION OF MABELLE SELLAND DAY - COUNCILMEMBER BOYAJIAN

PROCLAMATION OF CHEVRON DAY - ACTING PRESIDENT RONQUILLO

RESOLUTION OF APPRECIATION TO POLICE CAPTAIN PAT RHAMES - COUNCILMEMBER CALHOUN

PROCLAMATION OF MIGHTY EIGHTH AIR FORCE WEEK

The above proclamations and resolution were read and presented.

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APPROVE MINUTES OF OCTOBER 2, 2001

On motion of Councilmember Castillo, seconded by Councilmember Quintero, duly carried, RESOLVED, the minutes of October 2, 2001, approved as submitted.

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**APPROVE AGENDA:**

**(11:00 A.M.)** CONTINUED HEARING TO CONSIDER THE FORMATION OF COMMUNITY FACILITIES DISTRICT NO. 5 - FOUNDRY PARK (CONTINUE TO 2:15 P.M.)

Continued as noted.

**(11:30 A.M.)** HEARING ON PLAN AMENDMENT NO. A-00-21, REZONING APPLICATION NO. R-00-42, FILED BY MCCAFFREY DEVELOPMENT, L.P., ON BEHALF OF AZALEA BIGLIONE, PROPERTY LOCATED SOUTHEAST OF THE E. COPPER AND N. MAPLE AVENUES INTERSECTION (COUNCIL DISTRICT 6) (CONTINUE TO 2:30 P.M.)

Continued as noted.

On motion of Councilmember Quintero, seconded by Councilmember Castillo, duly carried, RESOLVED, the **AGENDA** hereby approved, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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**ADOPT CONSENT CALENDAR:**

**(1A-1a) \* RESOLUTION NO. 01-314 - 28<sup>TH</sup>** AMENDMENT TO AAR 01-200 APPROPRIATING \$132L900 FOR THE CMAQ GRANT FUNDED AND PEDESTRIAN/BIKE LANE FACILITIES FUNDED BIKE LANE ENHANCEMENT PROJECTS, BARSTOW/FREEWAY 41, EAST CENTRAL FRESNO AND PEDESTRIAN/BIKE FACILITIES TOWER DISTRICT

**1.** AWARD CONTRACT TO AMERICAN PAVING CO. FOR THE BASE BID PLUS ALTERNATE 1 (PAINTED STRIPING) IN THE AMOUNT OF \$128,919.48 FOR CONSTRUCTION OF BIKE LANES AND ROUTES AT BARSTOW AND FREEWAY 41, EAST CENTRAL FRESNO, AND THE TOWER DISTRICT

**(1A-1b)** REJECT ALL BIDS FOR CONSTRUCTION OF BIKE LANES IN WEST CENTRAL AND CENTRAL NORTHWEST FRESNO AND INSTRUCT STAFF TO REVISE SPECIFICATIONS IN ORDER TO ALLOW CONSIDERATION OF BIDS FOR PAINTED STRIPING AND THERMOPLASTIC STRIPING, TAKING INTO ACCOUNT THE REDUCED MAINTENANCE FOR THERMOPLASTIC STRIPING

**(1A-4a)** AFFIRM APPOINTMENT OF SEROP TOROSSIAN TO THE NORTHEAST AREA COMMUNITY PLAN REVIEW AND IMPLEMENTATION COMMITTEE - COUNCILMEMBER DUNCAN

**(1A-5a) RESOLUTION NO. 01-315 - PROVIDING CONTINUATION OF PAYMENT OF CITY'S PORTION OF HEALTH AND WELFARE PREMIUMS FOR EMPLOYEES WITH DEPENDENTS WHILE EMPLOYEES ARE SERVING IN ACTIVE DUTY**

**1.** DIRECT LABOR RELATIONS MANAGER TO EXECUTE SIDE LETTER OF AGREEMENT WITH THE EMPLOYEE ORGANIZATIONS TO PROVIDE FOR THE CONTINUATION OF PAYMENT OF CITY'S PORTION OF HEALTH AND WELFARE PREMIUMS

**(1A-7b) RESOLUTION NO. 01-316** - APPROVING THE FINAL MAP OF TRACT NO. 5006 AND ACCEPTING DEDICATED PUBLIC USES THEREIN, PHASE 4 OF VESTING TENTATIVE MAP NO. 4357, PROPERTY LOCATED EAST OF N. HAYES AND NORTH OF W. SIERRA AVENUE

**1.** AUTHORIZE THE PUBLIC WORKS DIRECTOR TO EXECUTE THE SUBDIVISION AGREEMENT, STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT FOR LANDSCAPE MAINTENANCE, AND STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT FOR TEMPORARY OFF-SITE STORM DRAINAGE FACILITIES FOR TRACT NO. 5006

**2.** AUTHORIZE THE PLANNING AND DEVELOPMENT DIRECTOR TO EXECUTE THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT DEFERRING CERTAIN SEWER CONNECTION CHARGES, WATER CONNECTION CHARGES, URBAN GROWTH MANAGEMENT FEES AND DEVELOPMENT FEES TO THE TIME OF ISSUANCE OF CERTIFICATE OF OCCUPANCY AND CREATION OF LIEN, AND THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT FOR RIGHT TO FARM

**(1A-11a) \* RESOLUTION NO. 01-317** - 34<sup>TH</sup> AMENDMENT TO AAR 01-200 APPROPRIATING \$150,700 TO CONTINUE THE IMPLEMENTATION OF THE VIOLENCE AGAINST WOMEN LAW ENFORCEMENT SPECIALIZED UNITS PROGRAM

**(1A-11b) \* RESOLUTION NO. 01-318** - AUTHORIZING THE CHIEF OF POLICE TO ENTER INTO AND EXECUTE AN AGREEMENT WITH THE CALIFORNIA OFFICE OF TRAFFIC SAFETY FOR A RAILROAD CROSSING SAFETY GRANT

**1. \* RESOLUTION NO. 01-319** - 29<sup>TH</sup> AMENDMENT TO AAR 01-200 APPROPRIATING \$41,700 FOR THE RAILROAD CROSSING SAFETY PROGRAM

Councilmember Calhoun spoke briefly in support and commended the program.

**(1A-11c) \* RESOLUTION NO. 01-320** - 33<sup>RD</sup> AMENDMENT TO AAR 01-200 APPROPRIATING \$74,600 FOR THE CALIFORNIA LAW ENFORCEMENT EQUIPMENT PURCHASE (CLEEP) PROGRAM GRANT

**(1A-15a)** APPROVE AMENDMENT NO. 1 TO THE CARGO BUILDING LEASE AND AGREEMENT BETWEEN THE CITY/AIRPORTS AND NATIONAL CAR RENTAL SYSTEM, INC., AND AUTHORIZE THE DIRECTOR OF TRANSPORTATION TO EXECUTE THE AMENDMENT ON BEHALF OF THE CITY

**(1A-15b)** APPROVE AMENDMENT TO THE CARGO BUILDING LEASE AND AGREEMENT BETWEEN THE CITY/AIRPORTS AND THE HERTZ CORPORATION, AND AUTHORIZE THE DIRECTOR OF TRANSPORTATION TO EXECUTE THE AMENDMENT ON BEHALF OF THE CITY

On motion of Acting President Ronquillo, seconded by Councilmember Calhoun, duly carried. RESOLVED, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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**(9:00 A.M.) PRESENTATION BY CITY OF CLOVIS REGARDING QUAD DESIGN INTERSECTION**

**(2 - 0)** Traffic Engineer Gary Krueger of TJKM Transportation Consultants, Pleasanton, CA, reviewed the Herndon Avenue Specific Study, gave a presentation on how the super-arterial/expressway design worked including recommendations for implementation, and played an electronic simulation comparing the two kinds of intersections at Willow and Herndon Avenues. John Wright, Clovis Director of Planning & Development Services, informed Council of actions the Clovis City Council had taken, addressed the development issue at the northeast corner of Herndon and Willow and concerns expressed using maps to illustrate, and along with Mr. Krueger and Chief Transportation Engineering Technician Madewell, responded to questions/comments of Councilmembers Duncan and Calhoun relative to the quad design being a brand new unproven concept, how the design would improve all traffic flow from the development and how it would improve drive time, what the city of Fresno's concerns were, why the design was not being tried at a different intersection where the risk of failure wasn't so great, **(3 - 0)** and why the quad design had not been tried anywhere else in the country. Mr. Wright stated Clovis would be in continuing dialog with city staff to reach a comfort level.

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**(8:45 A.M.) CONFIRMATION OF APPOINTMENT OF RUTHIE QUINTO TO CITY CONTROLLER**

Councilmember Duncan stated he was very impressed with Ms. Quito's work and this was a unique opportunity to appoint her City Controller citing her honesty and professionalism, and made a motion to approve, which motion was seconded by Acting President Ronquillo who commented on communication problems encountered in the past with the controller's office and the need for Council to receive information, no matter how difficult, as they represented the people.

Councilmember Castillo stated he concurred Ms. Quinto was very capable and he looked forward to working with her but advised he would not support the motion due to his concerns with the process and the firm used noting the search, which used taxpayer dollars, produced only one candidate. City Manager Hobbs responded to questions of Councilmember Boyajian relative to the number of applicants, the process undertaken, and what role the seven financial Managers who were contacted played in the process. Councilmember Boyajian spoke in support of Ms. Quinto and the appointment.

President Perea advised he also had concerns with the firm used and strongly suggested staff not use the firm again, and stated he felt the salary was inadequate, he did not agree with severance packages, and he hoped to see the use of financial consultants stop and explained.

Councilmember Castillo stated he would support the appointment if the city manager would assure the firm would not be used again, with Mr. Hobbs stating he could not give that assurance, and brief discussion ensued on the firm and remarks made relative to Fresno's perception.

On motion of Councilmember Duncan, seconded by Acting President Ronquillo, duly carried, **RESOLVED**, the City Manager's appointment of Ruthie Quinto to City Controller hereby approved, by the following vote:

Ayes : Boyajian, Calhoun, Duncan, Quintero, Ronquillo, Perea  
Noes : Castillo  
Absent : None

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**(9:30 A.M.) JOINT PRESENTATION BY THE SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT AND COUNTY OF FRESNO COUNCIL GOVERNMENTS (COG) ON POTENTIAL SANCTIONS DUE TO SEVERE AIR QUALITY**

Tom Jordan, SJVAPCD, gave a brief history of the air quality problem and how the valley got to where it now was relative to clean air status and requirements of the Federal Clean Air Act, gave an overview of planning efforts and requirements being made, and advised ramifications were great if a plan could not be put together from all levels of government and industry participation showing attainment of the clean air standards.

Colby Morrow, COG, advised of COG's coordinated effort to develop a controlled strategy plan for local governments in the Fresno area including timelines and types of actions Council would be asked to take in the future, and requested appropriate staff be assigned to evaluate the list of suggested measures and work with COG to put together the required documentation under the formal process, and COG Executive Director Goodwin advised of issues Council needed to be aware of in going through the process.

Extensive discussion ensued with Mr. Jordan, Ms. Goodwin and City Manager Hobbs responding to questions and/or comments of President Perea and Councilmembers Duncan, Castillo, Calhoun and Boyajian relative to types of measures and timelines, pollution weights, percentage of air pollution that comes from the bay area and what was being done to address that issue, naturally occurring dust or particulate matter, clean air requirements and if the EPA was providing funding for planning, the importance and need to pay attention to what was being proposed and how it would impact lives, how sanctions would affect businesses interested in locating here, if companies looked at and asked what communities were doing to mitigate the air quality, dollar figure on one ton of pollution, if Caltrans was required to take measures freeway trucks, low emission vehicle programs, request for clarification on the air being "cleaner than before" and reasons therefor (**4 - 0**), projections relative to air quality continuing to improve, need to educate people that actions and measures are being taken to address the problem, if Los Angeles was under the same requirements, the ozone and particulate matter, environmental impacts, the huge responsibility of the City Council and the need to take the environment seriously, need for mass transit, if the SJVAPCD saw standards changing or loosening up, if the city of Fresno had a team yet and timeline to designate a team, and if fireplace burning was included in the plan. There was no further discussion.

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**(10:00 A.M.) HEARING TO CONSIDER THE VACATION OF THE "E-FREEWAY 99" ALLEY BETWEEN TULARE AND KERN STREETS - R.I. NO. 1024-D**

**1. \* RESOLUTION NO. 01-321 - ORDERING THE VACATION OF THE "E"-FREEWAY 99" ALLEY BETWEEN TULARE AND KERN STREETS AND AUTHORIZING THE PUBLIC WORKS DIRECTOR TO EXECUTE A DEED CONVEYING A CITY-OWNED SEPARATELY UNDEVELOPABLE STRIP OF LAND BETWEEN THE ALLEY AND FREEWAY 99 TO THE ADJACENT OWNER**

President Perea announced the time had arrived to consider the issue and opened the hearing. Supervising Engineer Phillips briefly reviewed the staff report as submitted and Acting President Ronquillo spoke in support stating this was a major opportunity for a positive impact in Chinatown and made a motion to approve staff's recommendation.

Upon call, no one wished to be heard and President Perea closed the hearing.

On motion of Acting President Ronquillo, seconded by Councilmember Calhoun, duly carried, RESOLVED, the above entitled Resolution No. 01-321 hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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**(10:15 A.M.) CLOSED SESSION:**

**(A) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - CASE NAME: CITY OF FRESNO V. COUNTY OF FRESNO, FRESNO LOCAL AGENCY FORMATION COMMISSION (LAFCO) AND THE CITY OF CLOVIS**

The Council met in closed session in Room 2125 at the hour of 11:08 a.m. to consider the above issue and adjourned for lunch thereafter.

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**LUNCH RECESS - 11:45 A.M. - 2:04 P.M.** Councilmember Quintero arrived later.

**(2:00 P.M.) CONTESTED CONSENT CALENDAR ITEMS:**

**(1A-7b) RESOLUTION NO. 01-322 - APPROVING THE FINAL MAP OF TRACT NO. 4493 AND ACCEPTING DEDICATED PUBLIC USES THEREIN, PHASE 1 OF VESTING TENTATIVE MAP NO. 4493, PROPERTY LOCATED ON THE SOUTH SIDE OF W. MCKINLEY BETWEEN N. POLK AND N. HAYES AVENUES**  
**1. \* RESOLUTION NO. 01-323 - 30<sup>TH</sup> AMENDMENT TO AAR 01-200 APPROPRIATING \$34,500 FOR THE RIGHT-OF-WAY ACQUISITION FOR TRACT NO. 4493 AT MCKINLEY AND N. CARNEGIE AVENUES**

Councilmember Calhoun spoke in support stating this was a nice in-fill project and commended the developer.

On motion of Councilmember Calhoun, seconded by Acting President Ronquillo, duly carried, RESOLVED, the above entitled Resolution Nos. 01-322 and 01-323 hereby adopted; the Public Works Director authorized to execute the Subdivision Agreement, Statement of Covenants Affecting Land Development for Landscape Maintenance and Statement of Covenants Affecting Land Development for Temporary Off-Site Storm Drainage Facilities for Tract No. 5006; and the Planning and Development Director authorized to execute the Statement of Covenants Affecting Land Development Deferring Certain Sewer Connection Charges, Water Connection Charges, Urban Growth Management Fees and Development Fees to the time of issuance of Certificate of Occupancy and Creation of Lien, and the Statement of Covenants Affecting Land Development for Right to Farm, by the following vote:

Ayes : Boyajian, Calhoun, Castillo, Duncan, Ronquillo, Perea  
Noes : None  
Absent : Quintero

**(1A-11d) \* RESOLUTION NO. 01-324 - AUTHORIZING THE CHIEF OF POLICE TO SUBMIT AN APPLICATION AND ANY OTHER RELEVANT DOCUMENTATION TO THE OFFICE OF CRIMINAL JUSTICE PLANNING TO RECEIVE \$314,140 IN 2000 JUVENILE ACCOUNTABILITY INCENTIVE BLOCK GRANT (JAIBG) FUNDS**

**1. \* RESOLUTION NO. 01-325 - 21<sup>ST</sup> AMENDMENT TO AAR 01-200 APPROPRIATING \$349,100 OF JUVENILE ACCOUNTABILITY INCENTIVE BLOCK GRANT 1999 AND 2000 GRANT REVENUE**

**2. \* RESOLUTION NO. 01-326 - 2<sup>ND</sup> AMENDMENT TO PAR 01-201 ADDING ONE (1) SERGEANT AND ONE (1) POLICE OFFICER POSITIONS FOR THE JAIBG PROGRAM**

Chief Dyer responded to questions of Councilmember Calhoun relative to why the Fresno Unified School District was not paying the cash match, if the grant was on-going, if the JAIBG program was premature since the juvenile accountability ordinance was not in effect, the positions being added, and if this was an annual grant.

On motion of Acting President Ronquillo, seconded by Councilmember Calhoun, duly carried, RESOLVED, the above entitled Resolution Nos. 01-324, 01-325 and 01-326 hereby adopted, by the following vote:

Ayes : Boyajian, Calhoun, Castillo, Duncan, Ronquillo, Perea  
Noes : None  
Absent : Quintero

**(1A-11e) \* RESOLUTION NO. 01-327 - 32<sup>ND</sup> AMENDMENT TO AAR 01-200 TRANSFERRING FUNDS AND APPROPRIATING \$67,500 TO SUPPORT THE COLLECTION OF TRAFFIC STOP DEMOGRAPHIC DATA**

Chief Dyer and Lt. Foster responded to questions of Councilmember Castillo relative to the intent of the data and what it would be used for, if the data would be collected city-wide, who the data would go to, if Fresno County and Clovis were collecting data, if grant funds were offered or if the city applied for the funds, if racial profiling was the reason for the data collection, why Clovis was not participating, what would happen to the information after it is collected, what steps would be taken if racial-profiling is found to be happening, if strategies to deal with racial-profiling had been discussed, if it was premature to implement the program without results, and if information would be shared with Council. A motion and second was made to adopt the resolution. Councilmember Duncan advised he would not support the motion stating when the police stop someone only safety should be at issue and not data collection.

On motion of Councilmember Castillo, seconded by Acting President Ronquillo, duly carried, RESOLVED, the above entitled Resolution No. 01-327 hereby adopted, by the following vote:

Ayes : Boyajian, Calhoun, Castillo, Ronquillo, Perea  
Noes : Duncan  
Absent : Quintero

**(1A-5b) \* RESOLUTION NO. 01-328 - 31<sup>ST</sup> AMENDMENT TO AAR 01-200 APPROPRIATING \$37,600 FOR THE FINAL PAYMENT OF THE MULTI-CULTURAL CORRIDOR PROJECT**

Management Analyst Milavich responded to questions of Councilmember Calhoun relative to what the Multi-Cultural Corridor Project was, what it was for, who it would serve, and if anything was in writing or identified the city's and/or Caltrans' connection to the project. Councilmember Quintero arrived at 2:23 p.m. and Councilmember Castillo briefly left the meeting. Acting President Ronquillo further clarified the project and along with Councilmember Boyajian spoke in strong support.

On motion of Acting President Ronquillo, seconded by Councilmember Boyajian, duly carried, RESOLVED, the above entitled Resolution No. 01-329 hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	Castillo

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**(2:15 P.M.) CONTINUED HEARING ON THE FORMATION OF COMMUNITY FACILITIES DISTRICT (CFD) NO. 5 - FOUNDRY PARK PUBLIC IMPROVEMENT PROJECT**

**1. RESOLUTION NO. 01-329 - ESTABLISHING CFD NO. 5, AUTHORIZING THE LEVY OF A SPECIAL TAX WITHIN SAID DISTRICT AND CALLING AN ELECTION FOR THE PURPOSE OF SUBMITTING THE LEVY OF THE SPECIAL TAX AND THE ESTABLISHMENT OF THE APPROPRIATIONS LIMIT TO THE QUALIFIED ELECTORS OF THE DISTRICT**

**2. RESOLUTION NO. 01-330 - DETERMINING THE NECESSITY TO INCUR A BONDED INDEBTEDNESS WITHIN THE PROPOSED CFD NO. 5 AND CALLING AN ELECTION FOR THE PURPOSE OF SUBMITTING THE PROPOSITION TO THE QUALIFIED ELECTORS OF THE DISTRICT**

**3. RESOLUTION NO. 01-331 - CANVASSING THE RESULTS OF THE OCTOBER 9, 2001, ELECTION HELD WITHIN CFD NO. 5**

**4. RESOLUTION NO. 01-332 - AUTHORIZING THE ISSUANCE OF BONDS, THE EXECUTION OF AN INDENTURE AND BOND PURCHASE AGREEMENT RELATED TO THE ISSUANCE AND SALE OF BONDS, APPROVING A PRELIMINARY OFFICIAL STATEMENT, AND AUTHORIZING EXECUTION OF AN AGREEMENT FOR REIMBURSEMENT FOR WORK IN-KIND AND ACQUISITION OF PUBLIC FACILITIES AND OTHER MATTERS RELATED THERETO**

**5. \* BILL NO. B-80 - ORDINANCE NO. 01-74 - AUTHORIZING THE LEVY OF A SPECIAL TAX WITHIN CFD NO. 5**

President Perea announced the time had arrived to consider the issue and opened the hearing. Supervising Engineer Phillips gave a brief overview of the staff report as submitted. Acting President Ronquillo spoke in support of the issue stating it had been a challenge but finally evolved, and commended everyone involved in the project and made a motion to approve staff's recommendation.

Upon call, no one wished to be heard and President Perea closed the hearing.

On motion of Acting President Ronquillo, seconded by Councilmember Duncan, duly carried, RESOLVED, the above entitled Resolution Nos. 01-329, 01-330, 01-331 and 01-332 hereby adopted, and the above entitled Bill No. B-80 adopted as Ordinance No. 01-74, by the following vote:



Ayes : Boyajian, Calhoun, Duncan, Quintero, Ronquillo, Perea  
Noes : None  
Absent : Castillo

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**(3A) \* RESOLUTION NO. 01-333 - 25<sup>TH</sup> AMENDMENT TO AAR 01-200 APPROPRIATING FUNDS FOR THE COMPLETION OF STREET IMPROVEMENTS ALONG FOWLER AVENUE IN FRONT OF FMFCD BASIN BV”**

Engineering Technician Ramirez gave a brief overview of the project as contained in staff report as submitted. A motion and second was made to approve staff’s recommendation, and Councilmember Calhoun spoke in support of the project stating this was both a public safety and beautification issue and commended all involved.

On motion of Councilmember Quintero, seconded by Councilmember Calhoun, duly carried, RESOLVED, the above entitled Resolution No. 01-333 hereby adopted, by the following vote:

Ayes : Boyajian, Calhoun, Duncan, Quintero, Ronquillo, Perea  
Noes : None  
Absent : Castillo

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**(5A) CONSIDER SETTING A HEARING FOR COUNCIL CONSIDERATION OF THE PLANNING COMMISSION’S ACTION ON VARIANCE APPLICATION NO. V-01-011 - COUNCILMEMBER CALHOUN**

Councilmember Castillo returned to the meeting at 2:33 p.m. Councilmember Calhoun gave a brief overview of the issue and requested a hearing be set.

On motion of Councilmember Calhoun, seconded by Acting President Ronquillo, duly carried, RESOLVED, a hearing to consider the Planning Commission’s action on Variance Application No. V-01-011 set for November 6, 2001, at 10:15 a.m., by the following vote:

Ayes : Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea  
Noes : None  
Absent : None

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**(2:35 P.M.) APPEARANCE BY YVONNE BROWN TO PRESENT LETTERS OF COMMENDATION AND PLAQUES TO THE CITY COUNCIL, CITY MANAGER, FIRE CHIEF AND POLICE CHIEF**

**(5 - 0)** Ms. Brown, on behalf of the Fresno County Democratic Leaders, submitted written material to Council and presented commendations from various organizations for the city’s unity and emergency preparedness stand and read the proclamation. President Perea expressed thanks on behalf of the city.

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**(2:30 P.M.)** CONTINUED HEARING ON PLAN AMENDMENT BO. A-00-21, REZONING APPLICATION NO. R-00-42, FILED BY MCCAFFREY DEVELOPMENT, L.P., ON BEHALF OF AZALEA BIGLIONE, PROPERTY LOCATED SOUTHEAST OF THE E. COPPER AND N. MAPLE AVENUES INTERSECTION (COUNCIL DISTRICT 6)

**1. CONSIDER AND ADOPT MITIGATED NEGATIVE DECLARATION FOR ENVIRONMENTAL ASSESSMENT NO. A-00-21, R-00-42, TT-4903**

**2. RESOLUTION NO. 01-334 - AMENDING THE WOODWARD PARK COMMUNITY PLAN**

**3. BILL NO. B-81 - ORDINANCE NO. 01-75 - AMENDING THE OFFICIAL ZONE MAP TO REZONE THE MOST NORTHWESTERLY PORTION OF THE PROJECT SITE FROM AL-20 TO C-1/UGM AND THE REMAINING PORTION OF THE SITE FROM AL-20 TO R-1/UGM**

Planning Manager Haro reviewed the project and staff report as submitted and recommended the project be approved subject to the condition for the neighborhood commercial, and that a one-half mile portion of Copper Avenue between Maple and Chestnut Avenues be redesignated from arterial to super-arterial to facilitate the function of the street for future development.

Speaking to the issue were: Gary Giannetta, 1119 “S” Street, project engineer representing McCaffrey Development, who gave an overview of the project and history of the property, spoke in opposition to staff’s recommendation to redesignate Copper Avenue stating traffic studies conducted to date had not shown the need for a six lane super-arterial and requested the right of way needed for a six-lane arterial be reserved and they would design the developments accordingly, and advised the developer had agreed to pay the \$250 per acre for the nexus study; and Kevin Hall, 1204 E. Sierra Madre, representing the Sierra Club, Tehipite Chapter, who spoke to the air quality issue and problems and expressed concern that construction was being conducted on a 1995 EIR and the city was relying on an incomplete EIR for the general plan update.

Upon call, no one else wished to be heard and President Perea closed the hearing.

Councilmember Duncan stated this project represented some of the changes that Council would be facing as the new general plan is adopted, i.e., more neighborhood commercial or smart growth and explained, commended staff for their commitment to the principles of smart growth, and presented questions relative to the nexus study and whether any feedback had been received from Madera, Fresno County and/or Clovis relative to whether they would participate financially, if the city of Fresno had made an effort to communicate with them on that issue, if there was a problem with the applicant’s request to reserve the right of way for the six lanes (with Councilmember Duncan speaking in support of that request), and the commercial zoning condition and if there was any downside to the developer, with Mr. Haro and Mr. Giannetta responding. Councilmember Duncan made a motion to (1) approve staff’s recommendations *excluding* #2b of the staff report relative to changing the major street designation of E. Copper Avenue from an arterial to a super arterial designation, and (2) to reserve the appropriate right of way for an ultimate super arterial designation with some landscape buffer to be installed in the additional right of way in the interim, which motion was seconded and later acted upon.

Mr. Haro responded to questions and/or comments of Councilmembers Castillo and Boyajian relative to what the nexus study fee would accomplish, when the study was anticipated to be completed, if Madera and Clovis were contributing to study, what Clovis’ plan for Copper Avenue was, concern with collecting study fees after the fact, why studies were not conducted prior to development, if impacts should have been looked at ten years ago, who would collect the fees and conduct the study, the 1995 EIR, if any homes were in the urban reserve in 1995 and what impacts

staff looked at at that time, if sprawl was more important than the environment, appropriateness of the project, who would pay for the nexus study if developers didn't, the Grantland Trunk study, clarification on urban reserve planning **(6 - 0)**, and the need for an EIR on the project. President Perea pointed out staff was simply following current policy and stated a decision needed to be made on whether to change that policy or continue with it.

Councilmember Calhoun stated he was troubled by the inconsistencies he was hearing relative to the super arterial designation noting public works was saying it was needed yet development was saying it did not make a difference at this time and questioned if staff was comfortable with the motion on the floor. Development Director Yovino stated both departments agreed on the super arterial designation and clarified development staff was saying the decision on the designation did not have to be made this date and could be deferred to the general plan update if that was Council's desire as long as everyone was clear that the issue of the super arterial was not going away.

Acting President Ronquillo commented on the need to keep the nexus fee issue on the table and on the need for an objective study to determine if a super arterial designation was needed. Mr. Yovino further clarified and responded to additional questions of Councilmember Castillo relative to the super arterial being deferred to the general plan update and not being deleted and whether the super arterial designation made sense since growth was being directed to southeast Fresno. Councilmember Castillo spoke in support of leaving the arterial designation in place until Clovis' intent on Copper Avenue was known and requested the motion be amended to include that provision, with Councilmember Duncan stating his motion covered that and he would not accept the amendment. Brief discussion ensued.

President Perea stated perhaps the time had come to kill the idea of getting Madera and Clovis to participate financially in the nexus study stating it appeared to be fruitless and the developers and ultimate Fresno homeowners were being penalized, and requested if that could be made part of the motion, with City Attorney Montoy advising the matter needed to be scheduled as a separate item.

On motion of Councilmember Duncan, seconded by Councilmember Quintero, duly carried, **RESOLVED, (1)** the finding of a Mitigated Negative Declaration for Environmental Assessment No. A-00-21, R-00-42, T-4903, dated August 28, 2001, hereby approved, **(2)** the above entitled Resolution No. 01-334 approving Plan Amendment Application No. A-00-21 proposing to amend the Fresno General Plan and the Woodward Park Community Plan to change the planned uses of the project site from agricultural/urban reserve to medium-low density residential and neighborhood commercial with the provision that the neighborhood commercial plan designation not become effective until such time as the general plan update is adopted amending the Woodward Park Community Plan or that a land use entitlement is approved for urban development within the area corresponding with the Copper River Ranch Project (bound by Copper Avenue, Willow Avenue, Silaxo Lane and Friant Road) hereby adopted; **(3)** the appropriate right of way to be reserved for an ultimate super arterial designation and landscape buffer to be installed in the additional right of way in the interim; and **(4)** the above entitled ill No. B-81 approving Rezoning Application No. R-00-42 to rezone portions of the subject property from AL-20 (County)(Limited Agricultural 20 acres) to R-1/UGM (Single-Family Residential/Urban Growth Management) and C-1/UGM (Neighborhood Shopping Center/Urban Growth Management) adopted as Ordinance No. 01-75. The approval of th R-1/UGM zone district shall be subject to the approval and recordation of Tentative Tract No. 4903 and annexation of the property to the City of Fresno. Further, the approval of the C-1/UGM zone district shall not become effective until the pending 2025 Fresno General Plan is adopted amending the Woodward Park Community Plan or that a land use entitlement is approved for urban development within the area corresponding with the Copper River Ranch Project (bound by Copper Avenue, Willow Avenue, Silaxo Lane and Friant Road), by the following vote:

Ayes : Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea  
Noes : Boyajian  
Absent : None

Councilmember Castillo questioned what Council needed to do to establish criteria to conduct project EIRs with Ms. Montoy responding and stating that issue and other related issues and policy directions could be discussed and addressed in the upcoming CEQA workshop.

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UNSCHEDULED ORAL COMMUNICATIONS

APPEARANCE BY KEVIN HALL, 1204 E. SIERRA MADRE, REGARDING (1) TRANSPORTATION FUNDING FOR COPPER AVENUE; (2) REQUEST FOR A COPY OF THE JUVENILE ACCOUNTABILITY INCENTIVE BLOCK GRANT SENT TO THE OCJP; AND (3) THE JUVENILE ACCOUNTABILITY ORDINANCE

Appearance made.

SUGGESTION TO LOOK INTO THE POSSIBILITY OF RETAINING A LOBBYIST FIRM IN SACRAMENTO FOR INFORMATIONAL PURPOSES AND REPRESENTATION - COUNCILMEMBER CALHOUN

Suggestion made with City Manager Hobbs responding.

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**ADJOURNMENT**

There being no further business to bring before the Council, the hour of 4:01 p.m. having arrived and hearing no objections, President Perea declared the meeting adjourned.

**APPROVED** on the 16<sup>th</sup> day of October, 2001.

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ATTEST:\_\_\_\_\_

\_\_\_\_\_  
Henry Perea, Council President

Yolanda Salazar, Assistant City Clerk

